

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

EDMOND PAUL PRICE,
Plaintiff,
v.
NETANJAH BREITENBACH, et al.,
Defendants.

Case No.: 3:24-cv-00118-MMD-CSD

ORDER

On March 13, 2024, pro se plaintiff Edmond Paul Price, an inmate in the custody of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983, a motion for injunction, and applied to proceed *in forma pauperis*. (ECF Nos. 1, 1-1, 1-2). Plaintiff's application to proceed *in forma pauperis* is incomplete because Plaintiff did not submit a completed financial certificate and an inmate trust fund account statement for the previous six-month period with the application.¹ Also, Plaintiff is no longer at the address listed with the Court. (See ECF No. 4). The Court will deny Plaintiff's application without prejudice and give Plaintiff the opportunity to correct the deficiencies **by May 13, 2024**. The Court will also give Plaintiff the opportunity to update his address **by April 19, 2024**.

I. IN FORMA PAUPERIS APPLICATION

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). As of December 1, 2023, the fee for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55 administrative fee. See 28 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate

¹ The Court acknowledges that Plaintiff has had difficulty obtaining these documents in the past. (See *generally* ECF No. 1). Nevertheless, Plaintiff will need to try to obtain the documents for this case and may move for an extension of time if it becomes necessary.

1 must submit **all three** of the following documents to the Court: (1) a completed
 2 **Application to Proceed *in Forma Pauperis* for Inmate**, which is pages 1–3 of the
 3 Court's approved form, that is properly signed by the inmate twice on page 3; (2) a
 4 completed **Financial Certificate**, which is page 4 of the Court's approved form, that is
 5 properly signed by both the inmate and a prison or jail official; and (3) a copy of the
 6 **inmate's prison or jail trust fund account statement for the previous six-month**
 7 **period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. Prac. LSR 1-2. *In forma pauperis*
 8 status does not relieve an inmate of his or her obligation to pay the filing fee, it just means
 9 that the inmate can pay the fee in installments. See 28 U.S.C. § 1915(b).

10 **II. CHANGE OF ADDRESS**

11 Plaintiff appears to have initiated this case from Lovelock Correctional Center but
 12 has since transferred to High Desert State Prison. (See *generally* ECF Nos. 1, 4). The
 13 Court notes that, pursuant to Nevada Local Rule of Practice IA 3-1, a “pro se party must
 14 immediately file with the court written notification of any change of mailing address, email
 15 address, telephone number, or facsimile number. The notification must include proof of
 16 service on each opposing party or the party's attorney. Failure to comply with this rule
 17 may result in the dismissal of the action, entry of default judgment, or other sanctions as
 18 deemed appropriate by the court.” Nev. Loc. R. IA 3-1. This Court grants Plaintiff until
 19 **April 19, 2024**, to file his updated address with this Court. If Plaintiff does not update the
 20 Court with his current address by that date, this case will be subject to dismissal without
 21 prejudice.

22 **III. CONCLUSION**

23 It is therefore ordered that the application to proceed *in forma pauperis* (ECF No. 1)
 24 is denied without prejudice.

25 It is further ordered that Plaintiff has **until May 13, 2024**, to either pay the full \$405
 26 filing fee or file a new fully complete application to proceed *in forma pauperis* with all three
 27 required documents: (1) a completed application with the inmate's two signatures on page
 28 3, (2) a completed financial certificate that is signed both by the inmate and the prison or

1 jail official, and (3) a copy of the inmate's trust fund account statement for the previous
2 six-month period.

3 It is further ordered that Plaintiff update his address with the Court **by April 19,**
4 **2024.**

5 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
6 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
7 to refile the case with the Court, under a new case number, when Plaintiff can file a
8 complete application to proceed *in forma pauperis* or pay the required filing fee.

9 The Clerk of the Court is directed to send Plaintiff the approved form application to
10 proceed *in forma pauperis* for an inmate and instructions for the same and retain the
11 complaint and motion (ECF Nos. 1-1, 1-2) but not file them at this time.

12 The Clerk of the Court is further directed to send one-time courtesy copies of this
13 order, the application to proceed *in forma pauperis* for an inmate and instructions, General
14 Order 2012-01 (ECF No. 2), and the advisory letter (ECF No. 3) to Plaintiff at High Desert
15 State Prison.

16 DATED THIS 15th day of March 2024.

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20 CRAIG S. DENNEY
21 UNITED STATES MAGISTRATE JUDGE
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